

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RBH ENERGY, LLC,	§	Case No.: _____
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
OUTDOOR HUB, LLC	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Outdoor Hub, LLC (“Outdoor Hub”), and requests relief from this Court based on the following:

THE PARTIES

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 112 N. Bailey Ave. #B, Fort Worth, TX 76107.
2. Outdoor Hub is a Michigan limited liability company with its principal place of business located at 30800 Telegraph Road, Suite 4805, Bingham Farms, Michigan 48025. It can be served through its registered agent for service of process, Anthony Davenport, who resides at the same address.

JURISDICTION AND VENUE

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*
4. This Court has jurisdiction over Plaintiff’s claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2), 1391(d), and 1400(a). Outdoor Hub, LLC has systematic and continuous contacts with this Judicial District including ownership of property within in the District and employees who work for Outdoor Hub in the District.

BACKGROUND

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 654-030 (“Copyright”) titled Brian Harness Photography Collection 2004 Vol. IV. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named author of the Copyright is Brian Harness (“Harness”). *See id.*

9. On October 23, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B.

10. Harness, a professional photographer, is the sole member of RBH.

11. On October 12, 2004, Harness entered into a license (“Hicks Muse License”) with Hicks Muse Tate & Furst (“Hicks Muse”) of Dallas, Texas to take corporate photographs of the certain members Hicks Muse. A true and correct copy of the Hicks Muse License is attached hereto as Exhibit C.

12. The Hicks Muse License called for Harness to deliver eight photographs to Hicks Muse, and granted Hicks Muse the following license: “License: Unlimited Time Use in Hicks Muse Tate Furst brochures and www.hmtf.com Web site.” *See* Exhibit C at 1.

13. The Hicks Muse License set forth that it was not transferrable: “All rights not expressly licensed to Client in writing remain the exclusively property of the Photographer.” *See id.* at 2, ¶ C. As such, no person other than Hicks Muse had any rights, either express or implied,

to use the photographs subject to the Hicks Muse License without the express permission of Harness, or now, RBH.

14. All photos subject to the Hicks Muse License were registered as a collection of photographs submitted as part of U.S. Copyright No. VAu 654-030.

15. The photos that were provided to Hicks Muse were registered with U.S. Copyright on January 4, 2005. *See Exhibit A.*

16. One of the photos of the that was subject to the Hicks Muse License, and included as part of the Copyright, is the following photograph of John R. Muse:



17. Another photo that was subject to the Hicks Muse License, and included as part of the Copyright, is the following photograph of Jack Furst:



18. Defendant Outdoor Hub, without permission from Harness or RBH, misappropriated these photographs and included these copyrighted photographs on one of their websites known as “e-gun.net”: <http://www.e-gun.net/Business/24927/John-R-Muse/>. A true and correct copy of a screenshot of this web page is attached hereto as Exhibit D.

John R. Muse – Investor – Peerie Profile 5/10/13 8:30 AM

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John R. Muse
Business : Investor
HM Capital
62 years old (born c. 1951)
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Images

John R. Muse



Quotes by John R. Muse

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Investor
New Mountain Capital

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Investor
LFE Capital, LLC

Mary C. Choksi
Investor
Strategic Investment Group

James H. Greene, Jr.
Investor
Kohlberg Kravis Roberts

Phyllis B. Riggins
Investor
Managing Director, Bluffview Capital

Biography

http://www.e-gun.net/Business/24927/John-R.-Muse/ Page 1 of 2

19. The photographs, noted above, remained on Outdoor Hub’s website until sometime after May 10, 2013.

20. Because Outdoor Hub had no permission to use the protected photograph, Outdoor Hub is liable for direct copyright infringement.

COUNT 1 – COPYRIGHT INFRINGEMENT

21. RBH realleges paragraphs 1 through 20 as if set fully herein.

22. RBH alleges Outdoor Hub is liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

23. RBH has been damaged by Outdoor Hub's actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendant Outdoor Hub, LLC be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- b. Defendant Outdoor Hub, LLC be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- c. Defendant Outdoor Hub, LLC. pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- d. Defendant Outdoor Hub, LLC pay pre-judgment and post-judgment interest on any damages awarded; and
- e. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: May 10, 2016

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
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